



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kathryn M. Carleson, et al.

Examiner: Jordan Lofdahl

Serial No: 10/621,720

Art Unit: 3644

Filed: 07/16/2003

For: PET TOYS AND METHOD AND APPARATUS FOR THEIR MANUFACTURE

**RESPONSE TO ELECTION/ RESTRICTION REQUIREMENT**

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to an Election/Restriction Requirement dated

April 13, 2004, whereon a one (1) month time period for response is set to expire on May 13, 2004, applicant in the above-entitled responds as follows:


**Election of Species:**

Per the requirement of the subject Office Action, citing 35 U.S.C. 121, applicant here selects Species II, Claims 6 - 14 drawn to a method of reshaping a PVC pipe. This election is made with traverse and applicant respectfully submits that, the claims 1 - 5 of Group I, directed to a pet toy could reasonably only be produced by the method of the elected claims, and Claim 6 in particular.

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That heat can and sometimes is used to bend pipe, as the Examiner maintains in the middle paragraph is acknowledged. However, such pipe bending would not include pipe scoring and a careful scorching of the pipe to change its color and surface texture, as set out in Claim 6. That the pet toy of Claims 1 - 5, particularly Claim 1, is clearly a product by process is obvious and that the toy of Claims 1 - 5 must be produced using the method steps of Claim 6, is apparent. Accordingly, applicant respectfully requests that the Claims of Groups I and II, Claims 1 - 14 be prosecuted together.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. Reid Russell", written over a horizontal line.

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MRR/rr  
Docket No. 7669  
Date: April 23, 2004



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### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Non- Fee Amendments, Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 on April 23, 2004.

M. Reid Russell

April 23, 2004

Date

List of items sent:

Proposed Amendment and Response (Two pages)

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